EXPERT REPORT OF MAXWELL PALMER, PH.D. IN SUPPORT OF PLAINTIFFS' BRIEF IN OPPOSITION TO MORIARTY REMEDIAL PROPOSALS

1. My name is Maxwell Palmer. I am currently an Associate Professor of Political Science at Boston University. I previously submitted reports in the *Caster* case on December 12, 2021, and July 28, 2023. My first report in that case sets forth my qualifications in detail.

2. I testified in *Caster* in the January 2022 preliminary injunction proceedings. I was accepted by the Court as an expert in redistricting and data analysis. The Court found me to be a credible expert witness and credited my testimony on racially polarized voting and performance in its January 2022 and September 2023 opinions.

3. I also submitted a report evaluating the performance of the VRA Plaintiffs' Remedial Plan on September 11, 2023, and a report evaluating the performance of eight remedial proposals on September 13, 2023.

4. I was asked by the Caster Plaintiffs in this litigation to evaluate the performance of Moriarty Plan #1, Moriarty Plan #2, and Moriarty Plan #3.

5. For each plan, I analyzed the performance of districts by relying on precinct-level election results from the 2016, 2018, and 2020 general elections, and the 2017 special election for U.S. Senate. My original *Caster* report describes this dataset.

6. I supplemented this dataset with 2022 general election results from the data file disclosed by Dr. Baodong Liu with his July 28, 2023 report.

7. I then analyzed performance by calculating the share of the vote that the Black-preferred candidate would have won under the boundaries of each plan.

Performance of the 3rd and 7th Districts in Moriarty Plan #1

8. I analyzed the performance of the 3rd and 7th Districts in Moriarty Plan #1. Figure 1 and Table 1 present the results.

9. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 3rd District is 55.0%. The Black-preferred candidate won 14 of the 17 elections analyzed.

10. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 7th District is 54.9%. The Black-preferred candidate won 16 of the 17 elections analyzed.
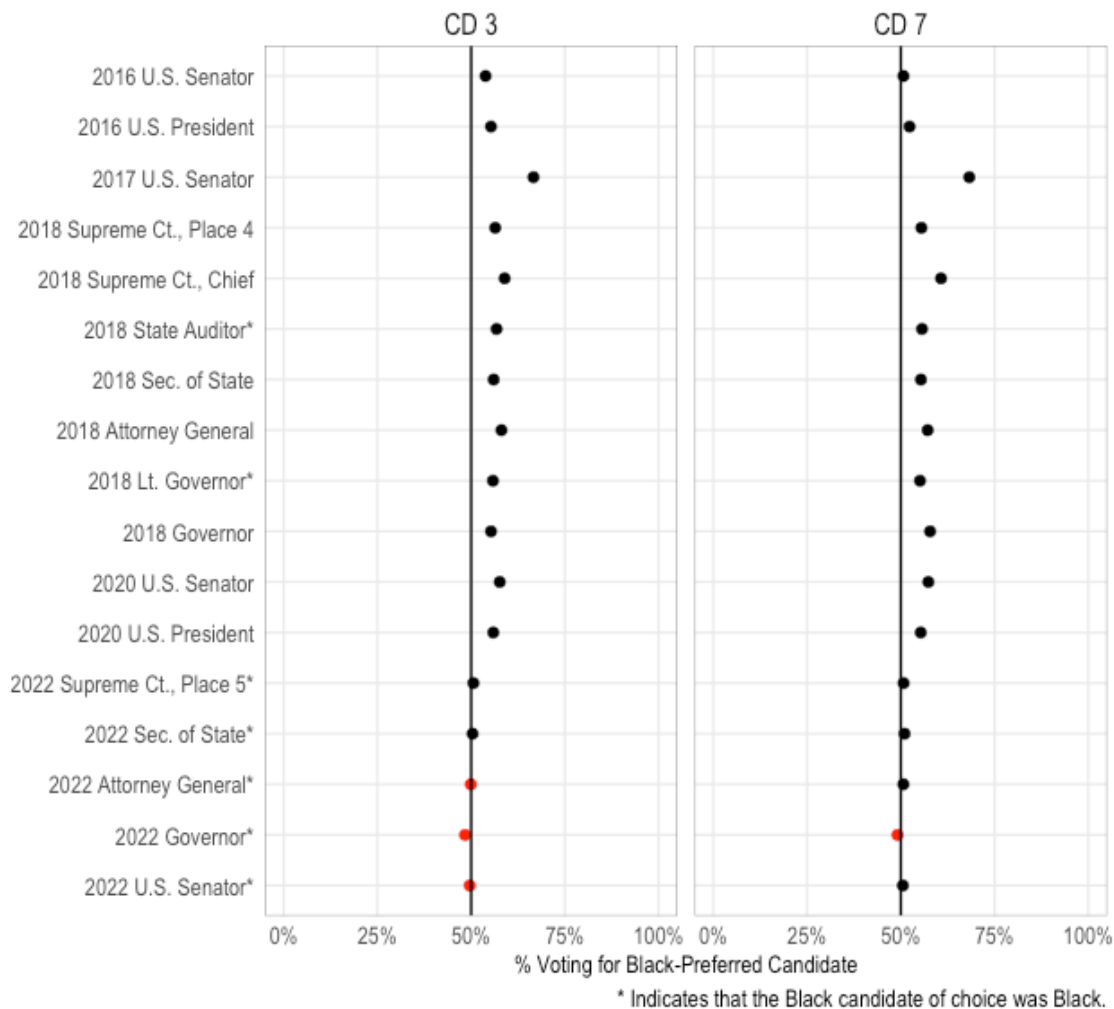

Figure 1: Vote Shares of Black-Preferred Candidates Under Moriarty Plan #1

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Table 1: Vote Shares of Black-Preferred Candidates Under Moriarty Plan #1

Year	Office	CD 3	CD 7
2016	U.S. President	55.3%	52.3%
2016	U.S. Senator	53.8%	50.7%
2017	U.S. Senator	66.6%	68.3%
2018	Attorney General	58.1%	57.1%
2018	Governor	55.3%	57.8%
2018	Lt. Governor*	55.8%	55.1%
2018	Sec. of State	56.0%	55.4%
2018	State Auditor*	56.8%	55.6%
2018	Supreme Ct., Chief	58.9%	60.7%
2018	Supreme Ct., Place 4	56.4%	55.5%
2020	U.S. President	55.9%	55.3%
2020	U.S. Senator	57.6%	57.3%
2022	Attorney General*	49.9%	50.7%
2022	Governor*	48.4%	49.1%
2022	Sec. of State*	50.4%	51.0%
2022	Supreme Ct., Place 5*	50.6%	50.7%
2022	U.S. Senator*	49.6%	50.5%

* indicates that the Black candidate of choice was Black

Performance of the 3rd and 7th Districts in Moriarty Plan #2

11. I analyzed the performance of the 3rd and 7th Districts in Moriarty Plan #2. Figure 2 and Table 2 present the results.

12. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 3rd District is 55.0%. The Black-preferred candidate won 14 of the 17 elections analyzed.

13. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 7th District is 56.8%. The Black-preferred candidate won all 17 of the elections analyzed.
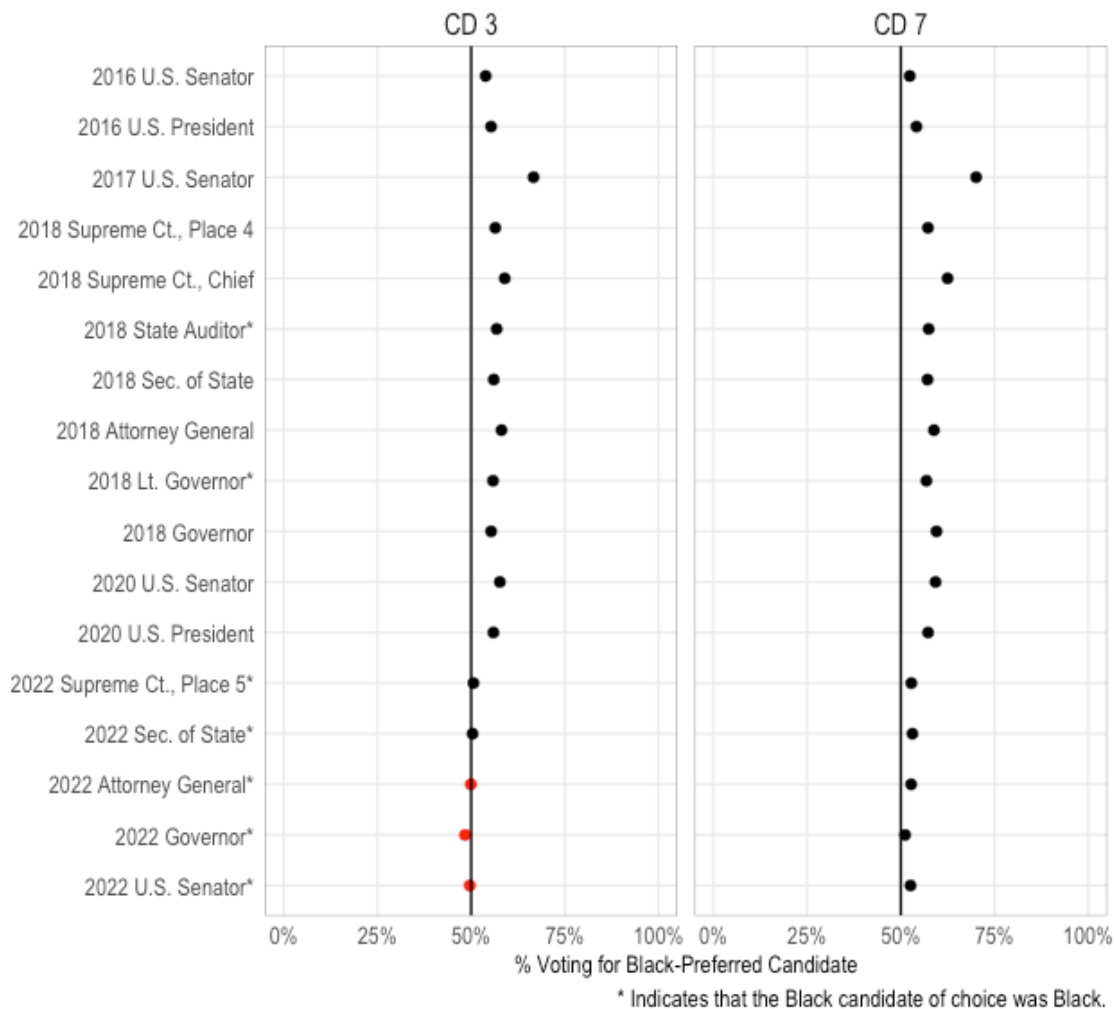

Figure 2: Vote Shares of Black-Preferred Candidates Under Moriarty Plan #2

Table 2: Vote Shares of Black-Preferred Candidates Under Moriarty Plan #2

Year	Office	CD 3	CD 7
2016	U.S. President	55.3%	54.2%
2016	U.S. Senator	53.9%	52.4%
2017	U.S. Senator	66.6%	70.1%
2018	Attorney General	58.1%	58.8%
2018	Governor	55.3%	59.5%
2018	Lt. Governor*	55.8%	56.8%
2018	Sec. of State	56.0%	57.1%
2018	State Auditor*	56.8%	57.4%
2018	Supreme Ct., Chief	59.0%	62.5%
2018	Supreme Ct., Place 4	56.4%	57.2%
2020	U.S. President	55.9%	57.3%
2020	U.S. Senator	57.6%	59.3%
2022	Attorney General*	49.9%	52.7%
2022	Governor*	48.4%	51.1%
2022	Sec. of State*	50.4%	53.1%
2022	Supreme Ct., Place 5*	50.6%	52.8%
2022	U.S. Senator*	49.6%	52.6%

* indicates that the Black candidate of choice was Black

Performance of the 1st, 3rd, and 7th Districts in Moriarty Plan #3

14. I analyzed the performance of the 1st, 3rd, and 7th Districts in Moriarty Plan #3. Figure 3 and Table 3 present the results.

15. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 1st District is 47.5%. The Black-preferred candidate won only 3 of the 17 elections analyzed.

16. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 3rd District is 48.0%. The Black-preferred candidate won only 5 of the 17 elections analyzed.

17. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates in the 7th District is 63.1%. The Black-preferred candidate won all 17 of the elections analyzed.
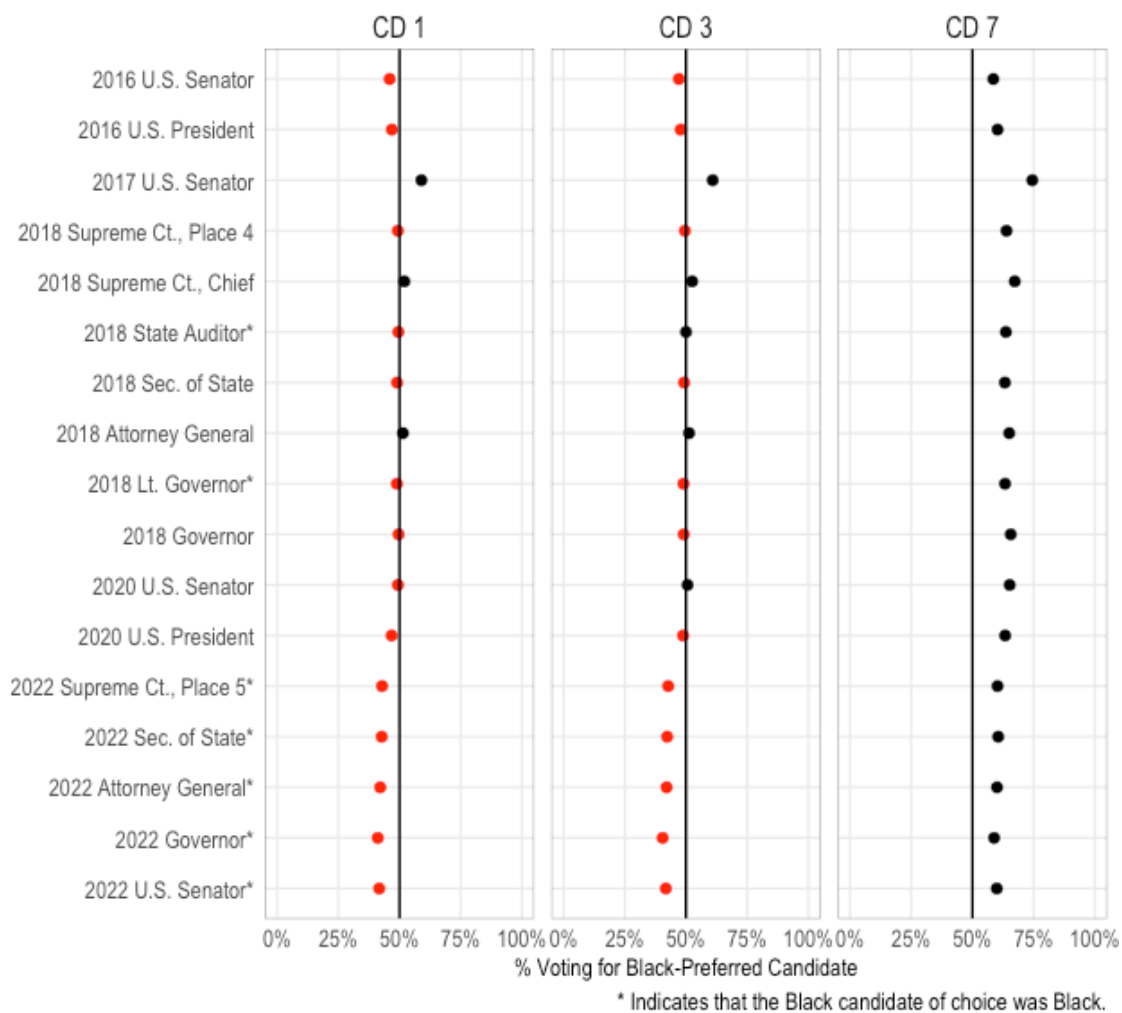

Figure 3: Vote Shares of Black-Preferred Candidates Under Moriarty Plan #3

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Table 3: Vote Shares of Black-Preferred Candidates Under Moriarty Plan #3

Year	Office	CD 1	CD 3	CD 7
2016	U.S. President	46.9%	47.8%	60.2%
2016	U.S. Senator	46.0%	47.1%	58.5%
2017	U.S. Senator	58.9%	60.9%	74.4%
2018	Attorney General	51.4%	51.3%	65.0%
2018	Governor	49.6%	49.1%	65.7%
2018	Lt. Governor*	48.9%	49.0%	63.3%
2018	Sec. of State	49.0%	49.2%	63.3%
2018	State Auditor*	49.5%	50.0%	63.7%
2018	Supreme Ct., Chief	52.0%	52.5%	67.3%
2018	Supreme Ct., Place 4	49.3%	49.5%	63.9%
2020	U.S. President	46.8%	48.8%	63.4%
2020	U.S. Senator	49.4%	50.7%	65.2%
2022	Attorney General*	42.1%	42.1%	60.0%
2022	Governor*	41.1%	40.5%	58.9%
2022	Sec. of State*	42.7%	42.3%	60.5%
2022	Supreme Ct., Place 5*	42.9%	42.7%	60.2%
2022	U.S. Senator*	41.7%	41.8%	59.9%

* indicates that the Black candidate of choice was Black

I reserve the right to continue to supplement my reports in light of additional facts, testimony and/or materials that may come to light.

I declare under penalty of perjury that the foregoing is true and correct.

Maxwell Pal

Executed on: September 14, 2023